IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ PetitionNo.669 of 2002
With
Criminal Application No.4124 of 2004

Shri Chandrashekhar Atmaram Banchod
and ors. Petitioners
Vs.
State of Maharashtra & ors. Respondents

Mr.S.B.Deshpande for petitioners.
Mr.R.S.Naik for resp.no.3.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.
July 27, 2007.

P.C.

. Heard the learned counsel for the petitioners who are the accused in Criminal Case No.665 of 2001 arising from C.R.No.140/2001 for the offences punishable under Sections 498-A and 406 of IPC read with Section 34 of IPC and presently pending before the Court of JMFC, Vashi, New Mumbai.

. The petitioners are seeking to invoke the inherent powers under Section 482 of Cr.P.C. so as to quash the proceedings in Criminal Case No.665 of 2001. It has now been pointed out that petitioner no.4 - Ajay Chandrashekhar Banchhod and respondent no.3 - Rupali obtained divorce by consent on 18th September 2002 from the Family Court at Bandra and

both of them remarried and settled in their new life. Respondent-Rupali is present before the Court and she has consented for quashing the proceedings. As has been held by the Apex Court in the case of B.S. Joshi & ors. Vs. State of Haryana & anr. **[2003 SCC (Cri) 848]**, when the spouses have by consent separated and they desire not to continue with the old cases filed against each other, the High Court under its inherent powers under Section 482 of Cr.P.C. would do well in quashing the proceedings in the pending criminal cases arising out of the matrimonial skirmishes.

. Hence the petition is allowed and the proceedings in Criminal Case No.665 of 2001 presently pending before the Learned Judicial Magistrate, First Class at Vashi, New Mumbai are hereby quashed and set aside.

. Criminal application no.4124 of 2004 does not survive and the same stands disposed.

(B.H.MARL